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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR06-394-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 SHEILA ANN MURDOCK,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on July 8, 2009. The United States was represented by AUSA Karyn S. Johnson and the
16 defendant by Christopher S. Black. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about January 18, 2007 by the Honorable Marsha
18 J. Pechman on a charge of Mail Theft, and sentenced to 91 days custody, 3 years supervised
19 release. (Dkt. 34.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant participate in a drug treatment program, abstain from alcohol, submit
22 to search, participate in a mental health program, successfully complete a residential reentry

center program for up to 120 days, pay restitution in the amount of \$650, provide access to financial information, and be prohibited from possessing identification documents in any but her true identity.

On September 25, 2007, defendant's probation officer reported that she had violated the conditions of supervision by using opiates and methamphetamine, and failing to make her restitution payments. No action was taken at the time. (Dkt. 43.)

On April 30, 2008, defendant admitted violating her supervised release by using opiates, using methamphetamine, using cocaine and failing to report for drug testing. (Dkt. 56.) Defendant was sentenced to one day in custody with twenty-four months supervised release. (Dkt. 60.)

On May 20, 2009, defendant admitted violating her supervised release by failing to report to the probation office as instructed, committing the crime of driving while license suspended, failing to report contact with law enforcement, and committing the crime of shoplifting (Dkt. 73.) The case was set for a disposition hearing on September 4, 2009.

In an application dated June 12, 2009 (Dkt. 74), U.S. Probation Officer Steven R. Gregoryk alleged the following additional violations of the conditions of supervised release¹:

5. Using heroin on or about June 9, 2009, in violation of standard condition No. 7.

6. Associating with a known felon, Fernando Arevalo, on June 11, 2009, in violation of standard condition No. 9.

7. Associating with a person, Fernando Arevalo, engaged in criminal activity, on or about June 11, 2009, in violation of standard condition No. 9.

¹ These violations are numbered 5 through 9, since the violations that are currently awaiting disposition have been numbered 1 through 4.

8. Possession of drug paraphernalia on June 11, 2009, in violation of standard condition No. 7.

9. Possession of heroin, on June 11, 2009, in violation of the general condition of supervision which states that the defendant shall not unlawfully possess a controlled substance.

Defendant was advised in full as to those charges and as to her constitutional rights.

Defendant admitted alleged violations 5, 6, and 7 and waived any evidentiary hearing as to whether they occurred. The government moved to dismiss violations 8 and 9. (Dkt. 78.)

I therefore recommend the Court find defendant violated her supervised release as alleged in violations 5, 6, and 7, that the Court dismiss alleged violations 8 and 9, and that the Court conduct a hearing limited to the issue of disposition, to be incorporated into the disposition of pending violations 1 through 4. The next hearing will be set before Judge Pechman.

Pending a final determination by the Court, defendant has been detained.

DATED this 8th day of July, 2009.

s/ Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Marsha J. Pechman
AUSA: Karyn S. Johnson
Defendant's attorney: Christopher S. Black
Probation officer: Steven R. Gregoryk